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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/826,998   | 04/03/2001  | Thomas P. Mulligan   | 5298-05300          | 3580             |
| 35617  | 7590        | 05/20/2004           | EXAMINER            |                  |
| CONLEY ROSE, P.C.<br>P.O. BOX 684908<br>AUSTIN, TX 78768 |             |                      | VU, KIEU D          |                  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 2173                 |                     |                  |
| DATE MAILED: 05/20/2004                                  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/826,998             | MULLIGAN ET AL.     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Kieu D Vu              | 2173                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03/05/04.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8-9, 12, and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin (USP 6438746).

Regarding claim 1, Martin teaches a method for generating computer executable code, comprising creating a data set (1000b) by modifying (col 5, lines 51-60) a comments portion (see Fig. 9) of a program and inserting the data set into an applications program to form the computer executable code (col 2, lines 14-24; col 12, lines 57-60).

Regarding claims 2 and 19, Martin teaches the displaying a link within a line of text preceded by a comments designator (symbol “//” in Fig. 9; col 7, lines 34-39).

Regarding claims 3 and 18, Martin teaches the displaying a window containing the comments portion and the data set (part 1000b in Fig. 9).

Regarding claim 4, Martin teaches an on-screen pointer and a pointer device (col 4, lines 39-49).

Regarding claim 8, Martin teaches method comprising a first text preceded by a commands designator (part 1000b in Fig. 9) and succeeded by link word (col 10, lines 9-16) that is adapted by modification by an on-screen pointer (col 5, lines 51-60) and a second text displayed on a display device for presenting a data set that changes dependent on modification to the link word by modification of the data set (Fig. 9).

Regarding claim 9, Martin teaches that the link word and the data set reside within a single window for display upon the display device (Fig. 9).

Regarding claims 12 and 17, Martin teaches the data set is linked to an applications program to form computer executable code (col 5, lines 11-15).

Regarding claim 14, Martin teaches that the data set comprises several grouping of fields that define timing signals (1010b and 1012b).

Regarding claim 15, Martin teaches a compiler 316 for generating a data set containing one field of bits in response to user-activation of a link within a comments portion (part 1000b in Fig. 9) of a program (col 10, lines 9-16) and hardware for generating programmable signals (col 3, lines 24-36).

Regarding claim 16, Martin teaches that the link is accessible by a user via a graphical user interface (col 5, lines 51-60).

Regarding claim 20, Martin teaches that the comments designator notes the corresponding line of text as non-executable words separate and distinct from lines of program commands (col 7, lines 34-39).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin and Shulman et al ("Shulman", USP 6026233).

Regarding claim 5, Martin does not teach the use of pull-down menu in computer programming. However, such feature is known in the art as taught by Shulman. Shulman teaches a method for presenting and selecting options to modify a programming language statement. Shulman discloses the generating an assisting window that contains program related information for use by a programmer (Fig. 5-6, col 4, lines 20-24). It would have been obvious to one of ordinary skill in the art, having the teaching of Martin and Shulman before him at the time the invention was made, to modify the program generating system taught by Martin to include the pull-down assisting menu window taught by Shulman with the motivation being to enable the system to efficiently assist a computer programmer during the writing, evaluation, and maintenance of a computer program.

Regarding claims 10-11, Martin does not teach that the link word and the data set reside in two separate windows concurrently displayed on the display device. However, such feature is known in the art as taught by Shulman. Shulman teaches a method for presenting and selecting options to modify a programming language statement. Shulman discloses displaying concurrently two windows on the display

device (Fig. 4). It would have been obvious to one of ordinary skill in the art, having the teaching of Martin and Shulman before him at the time the invention was made, to modify the program generating system taught by Martin to include the concurrently display two windows taught by Shulman with the motivation being to enable the system to efficiently present the computer program.

5. Claims 6-7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin and Propster et al ("Propster", USP 4541048).

Regarding claims 6-7 and 13, Martin does not teach the defining an electrical waveform and setting waveform descriptor commands of a programmable interface circuit. However, such feature is known in the art as taught by Propster. Propster teaches a modular programmable signal processor which comprises the defining an electrical waveform and setting waveform descriptor commands of a programmable interface circuit (Fig. 10; col 2, lines 35-37). It would have been obvious to one of ordinary skill in the art, having the teaching of Martin and Propster before him at the time the invention was made, to modify the program generating system taught by Martin to include the waveform taught by Propster with the motivation being to enable the system to efficiently indicate the memory access and data of the system.

6. Applicant's arguments filed 03/03/04 have been fully considered but they are not persuasive.

In response to Applicant's argument that "Martin does not disclose a method for generating computer executable code...", it is noted that such is not quite the case. Martin teaches in lines 51-60 that the pre-compiler 316 is applied to the source code store 308 to generate amended code ....to generate executable code. Martin further

teaches in lines 34-39 of col. 7 that source code comprises comment statements. Therefore, the teaching of "the amended source code" implies that the comment statements was modified, at least for excluding the // symbol preceding each comment statement before being compiled by the C++ compiler to generate executable code. The amended statements (comments) form a data set since the statement contains data as seen in part 1000b in Fig. 9.

In response to Applicant's argument that "Martin simply fails to disclose the use of links within a comments portion....", it is noted that the assignment symbol "=" in comment portion 1000b can be interpreted as links.

In response to Applicant's argument regarding Shulman teaching, it is noted that Shulman is not cited for modifying comments portion which is taught by Martin. Schulman is cited for generating assisting window and selecting options (see rejections of claim 5 and 10-11).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

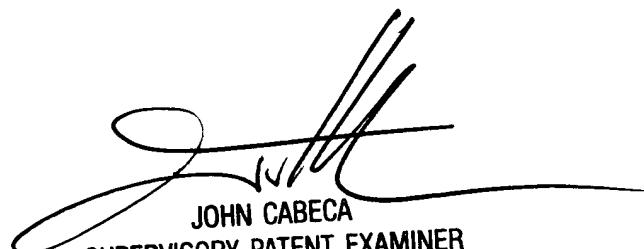
and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

05/12/04



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100